

REMARKS

I. General

Claims 1-40 were pending in the present application. The present Final Office Action (mailed March 17, 2009) raises the following issues:

- Claim 35 is rejected under 35 U.S.C. §112, second paragraph as being indefinite;
- Claims 1-8, 11-14, 17, 28-31, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,304,852 to Kerr, II et al. (hereinafter "*Kerr*") in view of U.S. Patent No. 6,041,347 to Harsham (hereinafter "*Harsham*") and further in view of U.S. Patent Application Publication No. 2004/0205540 to Vulpe (hereinafter "*Vulpe*");
- Claims 9-10, 15-16, and 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kerr* in view of *Harsham* and further in view of *Vulpe* and still further in view of U.S. Patent No. 7,447,663 to Barker (hereinafter "*Barker*"); and
- Claims 12-28 and 35-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kerr* in view of U.S. Patent Application Publication No. 2005/0125252 to Schoenberg (hereinafter "*Schoenberg*") and further in view of *Vulpe* and still further in view of U.S. Patent No. 6,398,727 to Bui (hereinafter "*Bui*").

Applicant respectfully traverses the outstanding rejections raised in the current Office Action, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Amendments

Claim 30 is amended herein to remove an extraneous “the”. This amendment is not intended to narrow the scope of claim 30, and it presents no new matter. The amendment should be entered after final because it does not raise any new issues and it either places claim 30 in condition for allowance or in better condition for appeal.

III. Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 35 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Office Action contends that it is not clear what the word “respective” is intended to mean. The Office Action alleges that it is not clear whether “respective” refers to different (as in greater or lesser) levels of security or whether “respective” simply refers to separate confidentiality levels (as in different access keys for different sets of medical records).

Applicant fails to understand the confusion. “Respective” is defined by Merriam-Webster as “particular, separate”, *see e.g.*, <http://www.merriam-webster.com/dictionary/respective>. The language at issue in claim 35 is: “wherein each portion of each of the multi-portion medical records is assigned a respective confidentiality level”. This does not refer to the portions as having different (greater or lesser) levels of security. Instead, each portion merely has a corresponding (or “respective”) confidentiality level, which may be the same level or a different level as other portions. Thus, the “respective” simply refers to separate confidentiality levels, which may the same or different from one portion of a medical record to the next.

In view of the above, Applicant respectfully submits that the language of claim 35 is sufficiently definite in accordance with 35 U.S.C. §112, second paragraph, and therefore this rejection should be withdrawn.

IV. Rejections Under 35 U.S.C. §103 over *Kerr*, *Harsham*, and *Vulpe*

Claims 1-8, 11-14, 17, 28-31, and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kerr* in view of *Harsham* and further in view of *Vulpe*. Applicant respectfully traverses these rejections for the reasons below.

The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in Graham v. John Deere and Co., 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Applicant respectfully asserts that the claims include non-obvious differences over the cited art.

As discussed further below, the rejections should be overturned because when considering the scope and content of the applied *Kerr*, *Harsham*, and *Vulpe* references there are significant differences between the applied combination and claims 1-8, 11-14, 17, 28-31, and 34, as the applied combination fails to disclose all elements of these claims. Thus, considering the lack of disclosure in the applied combination of all elements of claims 1-8, 11-14, 17, 28-31, and 34, one of ordinary skill in the art would not find these claims obvious under 35 U.S.C. §103, and therefore the rejections should be withdrawn.

Brief Discussion of References

Before addressing the individual claims, Applicant first discusses the applied *Kerr*, *Harsham*, and *Vulpe* references.

i. Kerr

As discussed in detail in Applicant's previous response, *Kerr* is "directed to remote medication and medical service delivery systems; and more particularly to an apparatus for the monitoring of a patient and/or the delivery of prescribed medications to patients at a remote location." Col. 1, lines 13-17. *Kerr* recognizes that "although drug 'cocktails' or combinations have been very successful in extending the lives and lifestyles of many HIV-positive patients, the drugs often have very complicated protocols." Col. 1, lines 27-30. *Kerr* thus proposes a "remote medication delivery system for providing remote monitoring, and optionally delivering, medication to a patient". Col. 1, lines 61-64.

Kerr proposes a RMMS unit that may be preprogrammed to detect certain "out-of-bounds" conditions that the RMMS unit detects for a given user, and in response the RMMS unit may transmit the out-of-bounds data to a remote receiver. Data transmitted from the RMMS unit may be received by a secure RMMS remote monitor central database, and placement of the data into the database file may further trigger and immediate medical profile update. Accordingly, predefined alarm procedures may be employed for the remote monitor central database for the data received into the database from the RMMS unit of *Kerr*.

ii. Harsham

Harsham is directed to a computer network management system that "allows a network administrator to describe the computer network according to both its physical topology and logical groups of machines and users in the computer network." Abstract. "Each network device, computer, or groups of networks devices and computers can be associated with one or more rules which define configuration parameters." *Id.* "These rules may be inherited by

machines through both the physical and logical relationships of the machines in the computer network”, which “simplifies the task of configuring and monitoring the network.” *Id.*

Accordingly, unlike *Kerr*, *Harsham* has nothing to do with remote medication and medical service delivery systems, but instead, *Harsham* is directed to the much different task of computer network management/configuration. Also, while *Harsham* mentions use of rules that define configuration parameters for devices on a computer network, *Harsham* simply makes no mention or suggestion whatsoever of any rules that pertain in any way to patients or to medical records. Thus, the rules proposed by *Harsham* for computer network management/configuration appear to have little, if any, applicability to the RMMS unit of *Kerr*, and certainly do not provide any ability for being processed against medical records and/or for identifying a target group of patients.

iii. *Vulpe*

Vulpe is directed generally to a “document management system for managing a plurality of documents” where the system “includes a document intersection database ... [that] defines a document intersection space for the documents”. Abstract. The document intersection space is defined as “the intersection of, or the link between, the architecture and/or content of one document and the architecture and/or content of another document.” Paragraph 0010. *Vulpe* provides a document management system that “is configured to receive document architecture and/or document content updates, to update the document intersection spaces associated with the document updates, and to notify the other documents which are members of the updated document intersection spaces of the changes to their respective document intersection spaces.” *Id.* “In this manner, the document management system is able to synchronize or link changes in the architecture and content of associated documents.” *Id.*

The document intersection database includes an intersection rule database, and an intersection instance database. Paragraph 0050. The intersection rule database includes a number of intersection rule records, each defining a respective document intersection space comprising at least two of the documents managed by the document management system. *Id.*

“In effect, each intersection rule record defines a map between the document architecture data of one of the documents of the respective document intersection space and at least one other document of the same document intersection space”, and “each document intersection rule record includes a rule which defines membership within the respective document intersection space.” *Id.*

Thus, *Vulpe* also has nothing to do with remote medication and medical service delivery systems, such as those of *Kerr*, but instead, *Vulpe* is directed to the much different task of managing documents based on their intersection space. While *Vulpe* generally mentions documents, it does not mention or provide any suggestion that the documents are medical records. Also, while *Vulpe* mentions use of intersection rule records that define a map between the document architecture of one document within an intersection space to another document in the same intersection space, *Vulpe* simply makes no mention or suggestion whatsoever of any rules that pertain in any way to patients or to medical records. Thus, the rules proposed by *Vulpe* for managing documents based on document intersection space appear to have little, if any, applicability to the RMMS unit of *Kerr*, and certainly are not taught as being processed against medical records and/or being used for identifying a target group of patients.

1. Applied Combination Fails to Teach or Suggest All Limitations

Independent Claim 1

Claim 1 recites:

A rule processing computer-based method comprising:
receiving user input to a processor-based computer for defining a computer-executable rule that is stored to a computer-readable medium, wherein when executed by the computer the computer-executable rule causes the computer to identify a target group of patients chosen from a group of existing patients;
receiving user input to the computer defining, in computer-readable information stored to a computer-readable medium, a computer-executable action to be taken by said computer concerning one or more patients within the target group of patients;
scheduling, in computer-readable information stored to a computer-readable medium, an execution time for the action;
processing, by the computer, a plurality of computer-based medical records against said computer-executable rule to determine one or more of said medical records that satisfy the rule, wherein each of the medical records contain at least a portion of a corresponding patient's medical history stored to computer-readable medium; and
initiating by the computer, in accordance with the scheduled execution time, the action concerning corresponding patients to which the determined one or more medical records that satisfy the rule relate. (Emphasis added).

The applied combination of *Kerr*, *Harsham*, and *Vulpe* fails to teach or suggest at least the above-emphasized limitations of claim 1, as discussed below.

The Final Office Action concedes that *Kerr* fails to teach “receiving user input to a processor-based computer for defining a computer-executable rule that is stored to a computer-readable medium, wherein when executed by the computer the computer-executable rule causes the computer to identify a target group of patients chosen from a group of existing patients”, as recited by claim 1, *see* page 3 of the Final Office Action. However, the Final Office Action contends that *Harsham* discloses this limitation, citing to col. 5, line 61 – col. 6, line 29 of *Harsham*, *see* page 4 of the Final Office Action. Applicant respectfully disagrees.

As discussed above, *Harsham* is directed to a computer network management system where “[e]ach network device, computer, or groups of networks devices and computers can be associated with one or more rules which define configuration parameters.” Abstract. While *Harsham* mentions use of rules that define configuration parameters for devices on a computer network, *Harsham* simply makes no mention or suggestion whatsoever of any rules that pertain in any way to patients or to medical records. Thus, *Harsham* fails to provide any disclosure receiving user input for defining a computer-executable rule that when executed by the computer causes the computer to identify a target group of patients chosen from a group of existing patients, as recited by claim 1. *Harsham*’s rules merely define configuration parameters for devices on a computer network, and are not in any way executable for identifying a target group of patients chosen from a group of existing patients. Thus, while *Harsham* may mention rules, it fails to teach or suggest rules that satisfy the above limitation of claim 1. *Vulpe* is not relied upon as teaching or suggesting such rules, nor does it do so.

Further, the Final Office Action concedes that *Kerr* and *Harsham* fail to disclose “processing, by the computer, a plurality of computer-based medical records against said computer-executable rule to determine one or more of said medical records that satisfy the rule”, recited by claim 1, *see* page 4 of the Final Office Action. However, the Final Office Action contends that *Vulpe* discloses this limitation, citing to sections 0069 and 0080 of *Vulpe*, *see* page 4 of the Final Office Action. Applicant respectfully disagrees.

As discussed above, *Vulpe* is directed to a “document management system for managing a plurality of documents” where the system “includes a document intersection database ... [that] defines a document intersection space for the documents”. Abstract. While *Vulpe* generally mentions documents, it does not mention or provide any suggestion that the documents are medical records. Also, while *Vulpe* mentions use of intersection rule records that define a map between the document architecture of one document within an intersection space to another document in the same intersection space, *Vulpe* simply makes no mention or suggestion whatsoever of any rules that pertain in any way to patients or to medical records. In particular, *Vulpe* does not disclose processing a plurality of computer-based medical records against a

computer-executable rule to determine one or more of the medical records that satisfy the rule, as recited by claim 1.

In view of the above, the applied combination of *Kerr*, *Harsham*, and *Vulpe* does not teach or suggest all limitations of claim 1, and thus the rejection of claim 1 should be withdrawn.

Independent Claim 12 and dependent claims 13-14, 17, and 28

While independent claim 12 is listed on page 3 of the Final Office Action as being rejected under 35 U.S.C. §103 as unpatentable over *Kerr* in view of *Harsham* and *Vulpe*, this appears to be a typographical error in the Final Office Action. First, the Final Office Action does not address the reasoning for rejecting claim 12 on these grounds, but instead later (on page 7 of the Final Office Action) addresses claim 12 as being rejected under 35 U.S.C. §103 as unpatentable over *Kerr* in view of *Schoenberg*, *Vulpe*, and *Bui*. Thus, in addressing claim 12 on page 7 of the Final Office Action, the Examiner appears to concede that the combination of *Kerr*, *Harsham* and *Vulpe* that is relied upon for rejecting claim 1 fails to render claim 12 obvious under 35 U.S.C. §103. If the Examiner contends that the identification of claim 12 on page 3 is not a typographical error, the Examiner should provide sufficient reasoning as to satisfy the factual inquiries required by Graham v. John Deere and Co., 383 U.S. 1 (1966) with regard to the rejection of claim 12 based on the combination of *Kerr*, *Harsham* and *Vulpe* in a new Office Action in order to afford Applicant a full and fair opportunity to consider and respond to the rejection.

Similarly, dependent claims 13-14 and 17, which depend from independent claim 12, are likewise believed to be included in error in the listing on page 3 of the Final Office Action as being rejected under 35 U.S.C. §103 as unpatentable over *Kerr* in view of *Harsham* and *Vulpe*. Further, dependent claim 28, which depends from independent claim 18, is likewise believed to be included in error in this rejection (Applicant notes that independent claim 18 is not rejected based on the combination of *Kerr*, *Harsham*, and *Vulpe*, but is instead rejected based on the combination of *Kerr* in view of *Schoenberg*, *Vulpe*, and *Bui*). If the Examiner contends that the identification of claims 13-14, 17, and 28 on page 3 is not a typographical error, the Examiner

should provide sufficient reasoning as to satisfy the factual inquiries required by Graham v. John Deere and Co., 383 U.S. 1 (1966) with regard to the rejection of these claims based on the combination of *Kerr*, *Harsham* and *Vulpe* in a new Office Action in order to afford Applicant a full and fair opportunity to consider and respond to the rejection.

Independent Claim 29

Independent claim 29 recites:

A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to:

receive user input from a medical service provider for defining a computer-executable rule for identifying one or more patients of said medical service provider who satisfy said rule;

receive user input from said medical service provider for defining a computer-executable action to be taken concerning the identified one or more patients of said medical service provider who satisfy said rule;

determine, for the computer-executable rule, an execution time for the action;

process a plurality of computer-based medical records of patients for whom said medical service provider has an access key that grants the medical service provider access to said computer-based medical records against said computer-executable rule to identify one or more of said patients whose medical records satisfy the rule; and

initiate, on or after the execution time, the action concerning the one or more patients whose medical records satisfy the rule. (Emphasis added).

For reasons similar to those discussed above with claim 1, Applicant respectfully submits that the applied combination of *Kerr*, *Harsham*, and *Vulpe* fails to teach or suggest at least the above-emphasized limitations of independent claim 29. Therefore, the rejection of claim 29 should be withdrawn.

Dependent Claims

Each of dependent claims 2-8, 11, 30, 31, and 34 depends either directly or indirectly from one of independent claims 1 and 29, and thus each inherits all limitations of the respective independent claim from which it depends. It is respectfully submitted that dependent claims 2-8,

11, 30, 31, and 34 are allowable not only because of their dependency from their respective independent claim for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compels a broader interpretation of their respective independent claim).

2. No Apparent Reason to Combine Applied References in the Manner Suggested by the Final Office Action

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner cannot satisfy this burden through “mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ 2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Moreover, the Examiner must provide analysis supporting any rationale why a person skilled in the art would combine the prior art to arrive at the claimed invention, and “[such] analysis should be made explicit,” *KSR*, 127 S.Ct. at 1741.

As discussed above, the Final Office Action applies a combination of three very different references in attempt to arrive at the claimed invention through piecemeal application of the references. For instance, *Kerr* is directed generally to “an apparatus for the monitoring of a patient and/or the delivery of prescribed medications to patients at a remote location” (col. 1, lines 13-17), while *Harsham* is directed to a computer network management system that simplifies the task of configuring and monitoring the network; and *Vulpe* is directed to the further disparate art of a document management system for managing a plurality of documents based on a document intersection space. Sufficient rationale has not been provided to establish why one of ordinary skill in the art would be motivated to combine such disparate teachings in the manner applied by the Examiner absent the use of impermissible hindsight in which the present application is used as a blue print to piece the elements together in the manner claimed.

Further, the stated reasoning in the Final Office Action for modifying *Kerr* with the disclosure of *Harsham* is to have “a means of configuring a computer network in an object-oriented manner, as recited in *Harsham*”, page 4 of the Final Office Action. In order to achieve such a configuring of a computer network according to *Harsham*, the rules of *Harsham* that pertain to computer network device configuration would be employed, rather than any rules for identifying a target group of patients chosen from a group of existing patients, as recited by claim 1. Thus, not only does *Harsham* not disclose any such rules for identifying a target group of patients (as discussed above), but the stated reasoning in the Final Office Action for combining *Harsham* with *Kerr* does not provide any motivation for implementing such rules for identifying a target group of patients. Instead, the stated reasoning for combining *Harsham* with *Kerr* relies upon the rules of *Harsham* being rules for configuring a computer network.

The stated reasoning in the Final Office Action for modifying *Kerr* and *Harsham* with the disclosure of *Vulpe* is to have “a means of determining which records satisfy a particular rule”, page 4 of the Final Office Action. This reasoning is circular in nature, merely asserting that it would be desirable to include in *Kerr* and *Harsham* a means for determining which records satisfy a particular rule in order to have a means for determining which records satisfy a particular rule. This does not state any rationale regarding why a person skilled in the art would combine *Vulpe* with *Kerr* and *Harsham*, but instead merely asserts that doing so would result in the feature of *Vulpe* being included.

Thus, the rejections based on the applied combination of *Kerr*, *Harsham*, and *Vulpe* should be withdrawn for this further reason.

V. Rejections Under 35 U.S.C. §103 over *Kerr*, *Harsham*, *Vulpe*, and *Barker*

Claims 9-10, 15-16, and 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kerr* in view of *Harsham* and further in view of *Vulpe* and still further in view of *Barker*. Applicant respectfully traverses these rejections for the reasons below.

Each of dependent claims 9-10 and 32-33 depends either directly or indirectly from one of independent claims 1 and 29, and thus each inherits all limitations of the respective independent claim from which it depends. It is respectfully submitted that dependent claims 9-10 and 32-33 are allowable not only because of their dependency from their respective independent claim for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compels a broader interpretation of their respective independent claim).

As discussed above with claim 12, Applicant believes that claim 12 was mistakenly identified in the Final Office Action as rejected under 35 U.S.C. §103 over the combination of *Kerr* in view of *Harsham* and *Vulpe*. Similarly, dependent claims 15-16, which depend from independent claim 12, are likewise believed to be included in error in the listing on page 6 of the Final Office Action as being rejected under 35 U.S.C. §103 as unpatentable over *Kerr* in view of *Harsham* and *Vulpe* and further in view of *Barker*. If the Examiner contends that the identification of claims 15-16 on page 6 is not a typographical error, the Examiner should provide sufficient reasoning as to satisfy the factual inquiries required by Graham v. John Deere and Co., 383 U.S. 1 (1966) with regard to the rejection of independent claim 12 based on the combination of *Kerr*, *Harsham* and *Vulpe* in a new Office Action in order to afford Applicant a full and fair opportunity to consider and respond to the rejection.

VI. Rejections Under 35 U.S.C. §103 over *Kerr*, *Schoenberg*, *Vulpe*, and *Bui*

Claims 12-28 and 35-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kerr* in view of *Schoenberg* and further in view of *Vulpe* and still further in view of *Bui*. Applicant respectfully traverses these rejections for the reasons below.

Applicant respectfully asserts that *Schoenberg* is not a valid prior art reference that may be used in rejecting the present application. First, *Schoenberg* did not publish until after the filing date of the present application. In particular, *Schoenberg* published June 9, 2005, whereas the present application was filed April 15, 2004. Thus, *Schoenberg* is not prior art to the present application.

Schoenberg may potentially be available as prior art under 35 U.S.C. §102(e), except that §102(e) applies to instances when the “invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States ... or (2) a patent granted on an application for patent by another filed in the United States....” Here, the present invention is not by another, but instead Roy Schoenberg is the inventor on the present application, just as in the applied *Schoenberg* reference.

Further, even if *Schoenberg* were available as prior art under 35 U.S.C. §102(e) (again, that appears to be the only way that *Schoenberg* possibly qualifies as prior art since it published after the filing date of the present application), *Schoenberg* is still not a valid prior art reference that can be used in a §103 rejection of the present application. 35 U.S.C. §103(c) states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The Examiner will note that at the time of the invention of the present application, *Schoenberg* and the present application were assigned to the same entity, Carekey, Inc. Attached

as Appendix A for the Examiner's reference is the USPTO's assignment recordation records for *Schoenberg*, which reflects that it was assigned to Carekey, Inc. at the time of the invention of the present application. Also, attached as Appendix B for the Examiner's reference is a copy of the initial assignment recorded for the present application, which likewise reflects that it was assigned to Carekey, Inc. Thus, 35 U.S.C. § 103(c) provides that *Schoenberg* "shall not preclude patentability" of the claimed invention.

Accordingly, the rejection of claims 12-28 and 35-40 cannot stand and should therefore be withdrawn.

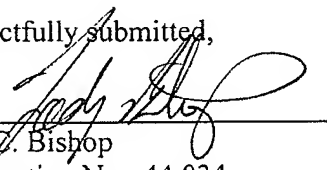
VII. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if any additional fee is due, please charge our Deposit Account No. 50-3948, under Order No. 66729/P028US/10613659 from which the undersigned is authorized to draw.

Dated: April 23, 2009

Respectfully submitted,

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APPENDIX A



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Patent Assignment Abstract of Title

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Total Assignments: 5

Patent #: NONE

Issue Dt:

Application #: 10726423

Filing Dt: 12/03/2003

Publication #: 20050125252

Pub Dt: 06/09/2005

Inventor: Roy Schoenberg

Title: Bridged patient / provider centric method and system

Assignment: 1

Reel/Frame: 015319/0803

Recorded: 05/12/2004

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 04/21/2004

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Assignment: 2

Reel/Frame: 019835/0745

Recorded: 09/17/2007

Pages: 8

Conveyance: SECURITY AGREEMENT

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Exec Dt: 01/10/2007

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Assignment: 3

Reel/Frame: 021328/0878

Recorded: 08/04/2008

Pages: 6

Conveyance: RELEASE BY SECURED PARTY (SEE DOCUMENT FOR DETAILS).

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Assignment: 4

Reel/Frame: 021523/0159

Recorded: 09/12/2008

Pages: 32

Conveyance: SECURITY AGREEMENT

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Exec Dt: 08/04/2008

TZ MERGER SUB, INC.

Exec Dt: 08/04/2008

THE TRIZETTO GROUP, INC.

Exec Dt: 08/04/2008

CAREKEY, INC.

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DIGITAL INSURANCE SYSTEMS CORPORATION

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FINSERV HEALTH CARE SYSTEMS, INC.

Exec Dt: 08/04/2008

HEALTH NETWORKS OF AMERICA, INC.

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HEALTHWEB, INC.

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NOVALIS DEVELOPMENT CORPORATION

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NOVALIS SERVICES CORPORATION

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PLAN DATA MANAGEMENT, INC.

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Assignment: 5**Reel/Frame:** 022052/0368**Recorded:** 01/05/2009**Pages:** 5**Conveyance:** MERGER (SEE DOCUMENT FOR DETAILS).**Assignor:** CAREKEY, INC.**Exec Dt:** 11/26/2008**Assignee:** THE TRIZETTO GROUP, INC.

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APPENDIX B

PATENTS ONLY

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To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Roy Schoenberg

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: August 11, 2005

2. Name and address of receiving party(ies):

Name: CareKey, Inc.

Internal Address: _____

Street Address: 137 Newbury Street

City: Boston State: MA ZIP: 02116

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

10/825,352 filed April 15, 2004

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark G. Lappin, Reg. No. 26,618

Internal Address: McDermott Will & Emery LLP

Customer No. 23630

Street Address: 28 State Street

City: Boston State: MA ZIP: 02109

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00

- ☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
☒ Authorized to be charged to deposit account

8. Deposit account number:

50-1133

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark G. Lappin, Reg. No. 26,618

Name of Person Signing

Signature [Signature]

Date 11/3/05

Total number of pages including cover sheet, attachments, and document: 1

RECORDATION FORM COVER SHEET

Packet No.: SHOL-119 (57581-033)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Mark G. Lappin, Reg. No. 26,618

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 1

ASSIGNMENT OF PATENT RIGHTS

I, Roy Schoenberg, of 199 Massachusetts Avenue, Boston, Massachusetts 02115, having invented improvements in a Rule Management Method and System, and having filed a patent application in the United States Patent and Trademark Office describing the same and based thereon, Serial No 10/825352, filed April 15, 2004, for good and valuable consideration, receipt of which is hereby acknowledged from CareKey, Inc., a corporation of Delaware, having its principal place of business at 137 Newbury Street, Boston, Massachusetts 02116 (and hereinafter called the Assignee which term shall include its successors and assigns), do hereby sell, assign and transfer unto the Assignee, my entire right, title, and interest, in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said application (which term shall include hereinafter where the context so admits all divisional, continuing, reissue and other patent applications based thereon) and the inventions (which term shall include each and every such invention, or part thereof) therein described, and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or on said application;

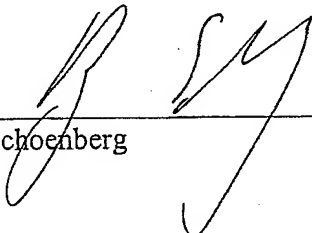
And for the same consideration I do also hereby sell, assign, and transfer unto the Assignee, all my rights under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, and all other treaties of like purpose in respect of said inventions and said application, and I do hereby authorize the Assignee to apply in my name or its own name or its designee for patents and like rights of exclusion on or for said inventions in all countries, claiming (if the Assignee so desires) the priority of the filing date of said application under the provisions of said Convention, Treaty or any such other Convention or Treaty;

And for the same consideration, I do hereby agree for myself and for my heirs, executors, and administrators, promptly upon request of the Assignee to execute and deliver without further compensation any power of attorney, assignment, original, divisional, continuing, reissue or other application or applications for patent or patents or like rights of exclusion of any country, or other lawful documents and any further assurances that may be deemed necessary or desirable by the Assignee, fully to secure to it said right, title, and interest as aforesaid in and to said inventions, applications, and said several patents and like rights of exclusion (including extensions thereof) or any of them, all, however, at the expense of the Assignee, its successors, or assigns;

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding Official of each country foreign thereto to issue to the Assignee, any and all patents and like rights of exclusion which may be granted in any country upon said United States application on or for said inventions;

And I do hereby covenant for myself and my legal representatives and agree with the Assignee, that I have granted no right or license to make, use, or sell said inventions to anyone except the Assignee, that prior to the execution of this deed my right, title, and interest in and to said inventions has not been otherwise encumbered by me, and that I have not executed and will not execute any instruments in conflict herewith.

IN WITNESS WHEREOF, I hereunto set my hand and seal this 11th day of August, 2005.



Roy Schoenberg

Commonwealth of Massachusetts)
County of)

Before me this _____ day of _____, 2005, personally appeared Roy Schoenberg, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

Notary Public